

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. J. Burns (Reg. NO. 51137) on September 4, 2008.

2. The application has been amended as follows:

Please amend claim 19 as follows;

19. (Currently amended) A card provided to a customer of a merchant having a merchant location, the card comprising an enabled RFID device coupled to the card, the position of the RFID device being automatically tracked by a plurality of RFID detection devices in order to determine the traffic pattern of [a first] the customer within the merchant location, the traffic pattern being analyzed in conjunction with demographic data regarding the [first] customer in order to determine a modification to be made to the merchant layout, the demographic data identifying customer information and preferences, and the modification altering the position of at least one of the one or more products.

Allowable Subject Matter

3. Claims 1-20 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Godsey et al. (US 2002/0161651) teaches a method for tracking consumer,

Schlieffers et al. (US 2004/0111320) and Schkolnick et al. (US 5729697) teaches
an electronic shopping system comprising card,

Dextraze et al. (US 5541835) teaches a method of monitoring and forecasting
customer traffic,

Sorensen (US 7006982) teaches a method of analyzing shopper using the card,

Otto et al. (US 6659344) teaches a automated monitoring system for monitoring
shoppers.

However, none of prior art teaches a providing a RFID enabled card to customer, determining the traffic pattern of the customer by tracking the position of the RFID automatically, analyzing the demographic data and traffic pattern of the customer to determine to make modification of the merchant layout by altering the position of the products as set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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